

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, THIRD CALLED SESSION

PROCEEDINGS

FOURTH DAY — THURSDAY, APRIL 20, 2006

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 4).

Present — Mr. Speaker; Allen, A.; Alonzo; Anderson; Bailey; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte, V.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard, C.; Howard, D.; Hupp; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, R.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Anchia; Hilderbran; Hughes; Hunter; Isett, C.N.; Jones, J.; Reyna; Talton.

Absent — Smith, W.

The invocation was offered by R. Ray Gatewood, senior pastor, Bethesda Fellowship Ministry, Copperas Cove, as follows:

O Lord our God, how excellent is your name in all the earth. We first give you thanks for the benevolence which you bestow upon us each and every day. As our creator God, we reverence you, and we endeavor to invoke your presence in the halls of this assembly and in all that we do from this time forward. We pray, O God, that you will hear both our petitions and our words of thanksgiving as we come to you this morning in prayer.

Thank you Lord God for the standards of civility found in the halls of this institution. Thank you dear Lord for the sacred trust that you have placed in our hearts and the hearts of these legislators; a trust that guides our interactions with

one another; a trust that forges friendships and relationships; a trust that continues to look unto you, the one who is the author and finisher of our faith. We pray now God, and we ask that you look upon us with divine favor.

Bless the many heroes of our land—the soldiers, sailors, airmen, marines, and coast guard personnel—who sacrifice their time, their efforts, and even their lives for the liberties and freedoms that we enjoy everyday. Look with divine favor upon those who protect us on our own soil, those in the person of police and fire personnel, border guards, and others who we depend upon for security. Grant them strength for another day.

Look with favor upon those who care for our children in school houses in this state and all across this country, for we know that their sacrifice is great.

We pray, O Lord, for divine favor, for the women and men who lead this great state, and especially the women and men of our Texas state legislature. We honor them for their hard work, and we honor them for their dedication to the people of whom they represent. We honor their commitment to duty. Grant them the wisdom to deliberate with all due diligence the courage to calculate the costs of every decision and the heart to hear and heed one another as they tackle the many tasks ahead. And God, when the gavel strikes ending this legislative session and the toils of these people have been finished, grant them peace of mind, a peace which surpasses all understanding. And reassure them now in their hearts, that as long as they performed their duties in a manner that is true; a manner that is honest and just; a manner that is pure, lovely, and of a good report, reassure them Father that they can rest easy knowing that their labors were not in vain. May God bless the great State of Texas, and may God bless America. Amen.

The speaker recognized Representative Delisi who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business:

Hunter on motion of Hopson.

C. N. Isett on motion of C. Howard.

The following members were granted leaves of absence for today because of important business in the district:

Anchia on motion of Chisum.

Hilderbran on motion of Denny.

Talton on motion of Denny.

The following member was granted leave of absence for today because of illness:

Reyna on motion of Denny.

The following member was granted leave of absence for today to attend a funeral:

J. Jones on motion of Chisum.

CAPITOL PHYSICIAN

The speaker recognized Representative Morrison who presented Dr. Harold High of Cuero as the "Doctor for the Day."

The house welcomed Dr. High and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 2).

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(W. Smith now present)

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

B. Keffer on motion of Chisum.

The following member was granted leave of absence for the remainder of today to attend a funeral:

R. Noriega on motion of J. Davis.

HR 69 - ADOPTED (by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 69**.

The motion prevailed.

The following resolution was laid before the house:

HR 69, Recognizing April 23-30, 2006, as the Days of Remembrance of the Victims of the Holocaust.

HR 69 was read and was adopted.

On motion of Representative Hochberg, the names of all the members of the house were added to **HR 69** as signers thereof.

ADJOURNMENT

Representative Delisi moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 10:38 a.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 65 (By Wong), Relating to authorizing the governing body of a taxing unit to establish for purposes of ad valorem taxation by the taxing unit a limit on increases in the appraised value of residence homesteads in the taxing unit of not less than five percent.

To Ways and Means.

HB 66 (By Solomons), Relating to prohibiting certain disruptions at a funeral service; creating an offense.

To Criminal Jurisprudence.

HB 67 (By Deshotel), Relating to the determination of certain catastrophe areas eligible for insurance coverage through the Texas Windstorm Insurance Association.

To Insurance.

HB 68 (By Bohac), Relating to the salary paid to certain professional employees of public schools.

To Public Education.

HB 69 (By Dunnam), Relating to the allocation and apportionment of certain payments used in the determination of the taxable earned surplus of a corporation.

To Ways and Means.

HB 70 (By Dunnam), Relating to the application of the franchise tax.

To Ways and Means.

HB 71 (By Hochberg), Relating to gang-related activity in and around public schools; providing a criminal penalty.

To Public Education.

HB 72 (By Berman, Chisum, McReynolds, Flynn, and Uresti), Relating to the limitation on the total amount of ad valorem taxes that may be imposed by a school district on the residence homesteads of the elderly or disabled.

To Ways and Means.

HB 73 (By Eiland), Relating to public financing of public education employee retirement; making an appropriation.

To Pensions and Investments.

HB 74 (By Flores), Relating to state funding for school districts for transportation of students who would be subject to hazardous traffic conditions while walking.

To Public Education.

HB 75 (By Flores), Relating to eligibility for an award through the Early High School Graduation Scholarship program.

To Public Education.

HB 76 (By Hegar), Relating to making an appropriation for the purpose of providing school district ad valorem tax rate relief.

To Appropriations.

HB 77 (By Martinez), Relating to the salary and benefits of certain employees of public schools.

To Public Education.

HB 78 (By Hopson), Relating to the salary paid to certain professional employees of public schools.

To Public Education.

HB 79 (By Giddings), Relating to the compensation paid to certain professional employees of public schools.

To Public Education.

HJR 24 (By Wong), Proposing a constitutional amendment authorizing the governing body of a political subdivision to establish for purposes of ad valorem taxation by the political subdivision a limit on the maximum average annual percentage increase in the appraised value of residence homesteads in the political subdivision.

To Ways and Means.

HJR 25 (By Nixon, Gattis, Woolley, P. King, and Otto), Proposing a constitutional amendment to establish a maximum school district ad valorem tax rate for maintenance and operation purposes and to clarify that an ad valorem tax that is levied or collected by a school district in this state is not a state ad valorem tax.

To Ways and Means.

HJR 26 (By Berman, Chisum, McReynolds, Flynn, and Uresti), Proposing a constitutional amendment to reduce the total amount of ad valorem taxes that may be imposed for public school purposes on the residence homestead of an elderly or disabled person in proportion to any reduction in the rate of the tax imposed for those purposes.

To Ways and Means.

HR 68 (By Bailey), Honoring the Reverend Isaac Grant, Jr., and Constance D. Grant on Reverend Grant's seventh pastoral anniversary with Greater Love Baptist Church in Austin.

To Rules and Resolutions.

HR 70 (By B. Cook), Congratulating Roger and Marie Johnston of Corsicana on their 69th wedding anniversary.

To Rules and Resolutions.

HR 71 (By Y. Davis), Honoring Hollis Brashear for his service on the Dallas Independent School District Board of Trustees.

To Rules and Resolutions.

HR 72 (By Zedler), Honoring Justin James Veltman of Burleson for earning the rank of Eagle Scout.

To Rules and Resolutions.

HR 73 (By Veasey), Commemorating the 50th reunion of the I. M. Terrell High School Class of 1955 and congratulating its members on their achievements.

To Rules and Resolutions.

HR 74 (By Jackson), Congratulating Shirley and George Haley of Austin on their 50th wedding anniversary.

To Rules and Resolutions.

HR 75 (By Woolley), Commemorating the 50th anniversary of the Hungarian Revolution and recognizing the sacrifices of Hungarian Freedom Fighters, the contributions of Hungarian Americans, and the friendship between the people and governments of the United States and Hungary.

To Rules and Resolutions.

HR 76 (By Gonzalez Tourelles), Honoring U.S. Army Corporal Curtis A. Volling of Alice for his service in Iraq.

To Rules and Resolutions.

HR 77 (By Gonzalez Tourelles), Congratulating Melba and Bryan Stridde on the acceptance of the Meyer-Stridde Ranch into the Texas Family Land Heritage Program.

To Rules and Resolutions.

HR 78 (By Gonzalez Tourelles), Honoring Rosemary Haynes of McMullen County and her family on the induction of their ranch into the Texas Family Land Heritage Program.

To Rules and Resolutions.

HR 79 (By Gonzalez Toureilles), Honoring the Zowarka Z Cross Ranch on its inclusion in the Texas Family Land Heritage Program.

To Rules and Resolutions.

HR 80 (By Gonzalez Toureilles), Congratulating John Charles Austin of McMullen County on the induction of the Austin Ranch into the Texas Family Land Heritage Program.

To Rules and Resolutions.

HR 81 (By Gonzalez Toureilles), Honoring the Guy H. Smith and Sons Ranch on its inclusion in the Texas Family Land Heritage Program.

To Rules and Resolutions.

HR 82 (By Gonzalez Toureilles), Congratulating the Mahoney and McDonald families of Atascosa County on the acceptance of the Mahoney-McDonald Ranch into the Texas Family Land Heritage Program.

To Rules and Resolutions.

HR 83 (By Gonzalez Toureilles), Congratulating James L. Rayes and Susan "Rebecca" Rayes Glover on the induction of the Lewis Ranch into the Texas Family Land Heritage Program.

To Rules and Resolutions.

HR 84 (By Gonzalez Toureilles), Honoring Specialist Thomas Gabriel Cantu of Alice for his service in Iraq.

To Rules and Resolutions.

HR 85 (By Gonzalez Toureilles), Honoring Sergeant Mario Almaraz, Jr., of Alice for his service in Iraq.

To Rules and Resolutions.

HR 86 (By Gonzalez Toureilles), Honoring the United Veterans Burial Association of Alice.

To Rules and Resolutions.

HR 87 (By Gonzalez Toureilles), Recognizing the sesquicentennial of Live Oak County.

To Rules and Resolutions.

HR 88 (By Gonzalez Toureilles), Honoring Manuela Vela of Alice on her 100th birthday.

To Rules and Resolutions.

HR 89 (By Gonzalez Toureilles), Honoring Celerina T. Medina of Alice on her 105th birthday.

To Rules and Resolutions.

HR 90 (By Gonzalez Toureilles), In memory of U.S. Army Staff Sergeant Oscar Raul Rodriguez.

To Rules and Resolutions.

HR 91 (By Gonzalez Toureilles), Honoring U.S. Army Private First Class Javier Garcia of Alice for his service in Iraq.

To Rules and Resolutions.

HR 92 (By Gonzalez Tourelles), Honoring Linda Turner McKay and Jean Turner Culli of Beeville for the acceptance of Oakland Stock Farm into the Texas Family Land Heritage Program.

To Rules and Resolutions.

HR 93 (By W. Smith), In memory of Carole Opryshek of Baytown.

To Rules and Resolutions.

HR 94 (By W. Smith), Honoring Reverend Charles R. Dunn and Shirley Dunn for 40 years of service to Central Baptist Church in Deer Park.

To Rules and Resolutions.

HR 95 (By Craddick), In memory of John Frank Younger, Sr., of Midland.

To Rules and Resolutions.

HR 96 (By Craddick), Congratulating Jack and Marline Byrd of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 97 (By Craddick), Congratulating Arlie and Mary Bryant of Greenwood on their 65th wedding anniversary.

To Rules and Resolutions.

HR 98 (By Craddick), Congratulating Derwood and Joan Blagrave of Lamesa on their 50th wedding anniversary.

To Rules and Resolutions.

HR 99 (By Craddick), Congratulating Vernon and Joyce Syler of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 100 (By Craddick), Honoring Carl Gonzales II of Midland on winning first place at The University of Texas System Louis Stokes Alliance for Minority Participation conference in Dallas.

To Rules and Resolutions.

HR 101 (By Craddick), In memory of world-renowned tenor Enzo Stuarti of Midland.

To Rules and Resolutions.

HR 102 (By Craddick), Honoring Midland residents B. H. and Pat Spaw on their 50th wedding anniversary.

To Rules and Resolutions.

HR 103 (By Craddick), Honoring Lloyd and Ruth Thomas of Midland on their 60th wedding anniversary.

To Rules and Resolutions.

HR 104 (By Craddick), Congratulating Troy and Pauline Barnes of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 105 (By Craddick), Congratulating the Honorable G. E. "Buddy" West and Shirley West of Odessa on their 50th wedding anniversary.

To Rules and Resolutions.

HR 106 (By Craddick), Congratulating Huston and Gynell McMillen of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 107 (By Craddick), Honoring Wanda and Bob Burkhalter of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 108 (By Craddick), Congratulating Connie and Mary Patterson of Midland on their 60th wedding anniversary.

To Rules and Resolutions.

HR 109 (By Craddick), Congratulating Dan and Rita Garner on their 50th wedding anniversary.

To Rules and Resolutions.

HR 110 (By Craddick), Honoring John and Caroline Holmes of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 111 (By Craddick), Congratulating Neale and Jo Roy of Lamesa on their 50th wedding anniversary.

To Rules and Resolutions.

HR 112 (By Craddick), Congratulating Alvin and Earlene Riley on their 60th wedding anniversary.

To Rules and Resolutions.

HR 113 (By Craddick), Congratulating Mr. and Mrs. Gilford C. Roberts of McCamey on their 70th wedding anniversary.

To Rules and Resolutions.

HR 114 (By Craddick), Honoring Glynn and Peggy Cunningham of Crane on their 50th wedding anniversary.

To Rules and Resolutions.

HR 115 (By Craddick), Honoring Glenn and LaDon Matthews of Lamesa on their 50th wedding anniversary.

To Rules and Resolutions.

HR 116 (By Craddick), Honoring Graydon and Martha Yester of Midland on their 55th wedding anniversary.

To Rules and Resolutions.

HR 117 (By Craddick), Honoring Gary and Glenda Pearce of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 118 (By Craddick), Honoring Imogene and O. Doyle Butler of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 119 (By Craddick), Honoring John and Jo Marie Them of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 120 (By Craddick), Honoring Robert and Virginia McLelland of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 121 (By Craddick), Honoring Jerry and Barbara Smith of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 122 (By Craddick), Honoring Apolonio and Mario Granado of McCamey on their 66th wedding anniversary.

To Rules and Resolutions.

HR 123 (By Craddick), Honoring Howard and JoAnn Staudt of Lamesa on their golden wedding anniversary.

To Rules and Resolutions.

HR 124 (By Craddick), Honoring Guy Thomas McCaslin and Mary Etta McCaslin of Midland on their 60th wedding anniversary.

To Rules and Resolutions.

HR 125 (By Craddick), Honoring Ennis and Lucille Cox of Midland on their 60th wedding anniversary.

To Rules and Resolutions.

HR 126 (By Craddick), Honoring Pete and Marie Woody of Stanton on their 50th wedding anniversary.

To Rules and Resolutions.

HR 127 (By Craddick), Congratulating James and Joyce McClaine of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 128 (By Craddick), Congratulating Joe and Delia Gonzales of Lamesa on their 50th wedding anniversary.

To Rules and Resolutions.

HR 129 (By Craddick), Congratulating Harold and Jane Hicks of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 130 (By Craddick), Honoring Don and Gayle Langston of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 131 (By Craddick), Honoring Homer and Naomi Etheredge of Lamesa on their 60th wedding anniversary.

To Rules and Resolutions.

HR 132 (By Craddick), Honoring Charles and Barbara Wheeler of Rankin on their 50th wedding anniversary.

To Rules and Resolutions.

HR 133 (By Craddick), Honoring LaNelle Farris of Lamesa on her retirement from the Lamesa Independent School District.

To Rules and Resolutions.

HR 134 (By Craddick), Honoring Bill and Dee Wilson of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 135 (By Craddick), Honoring Alvin and Lynn Harris of Lamesa on their 50th wedding anniversary.

To Rules and Resolutions.

HR 136 (By Craddick), Honoring Wayne and Edna Kerley of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 137 (By Craddick), Honoring Nancy and Charles Sessions of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 138 (By Craddick), Honoring Norris and Dorothy Turk of Midland on their 71st wedding anniversary.

To Rules and Resolutions.

HR 139 (By Craddick), Congratulating Leo and Judy Carr of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 140 (By Craddick), Congratulating Robert and Dessie Knott of Midland on their 60th wedding anniversary.

To Rules and Resolutions.

HR 141 (By Craddick), Honoring William S. Taylor and his descendants for their contributions to the state.

To Rules and Resolutions.

HR 142 (By Craddick), Honoring Chief Andy Mehl on his retirement from the Midland Fire Department.

To Rules and Resolutions.

HR 143 (By Craddick), In memory of Dr. Viola M. Coleman of Midland.

To Rules and Resolutions.

HR 144 (By Craddick), Honoring Joe and Joann Stone of Lamesa on their 50th wedding anniversary.

To Rules and Resolutions.

HR 145 (By Craddick), Congratulating Ralph and Carol Gillette of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 146 (By Craddick), Congratulating Fidel and Juanita Ramirez of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 147 (By Hilderbran), In memory of Claire Johnston of Bandera.

To Rules and Resolutions.

HR 148 (By Hilderbran), Commemorating the 150th anniversary of Uvalde County.

To Rules and Resolutions.

HR 149 (By Hilderbran), Commemorating the 150th anniversary of the founding of Kerr County.

To Rules and Resolutions.

SCR 2 to Rules and Resolutions.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 2

HCR 16

APPENDIX

ENROLLED

April 19 - HCR 16